

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 200

Introduced by Dw. Pedersen, 39

Read first time January 11, 1999

Committee: Judiciary

A BILL

1 FOR AN ACT relating to parole; to amend sections 83-190 and
2 83-1,111, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to terms of board members and to
4 reviews; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-190, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-190. The members of the Board of Parole shall have
4 terms of office of six years and until their successors are
5 appointed. Terms of office for members shall begin and end on
6 January 1, except that any member serving on the board on the
7 effective date of this act whose term expires on a date other than
8 January 1 shall continue to serve on the board until the January 1
9 immediately following such other date and until his or her
10 successor is appointed. The successors shall be appointed in the
11 same manner as provided for the members first appointed, and a
12 vacancy occurring before expiration of a term of office shall be
13 similarly filled for the unexpired term. A member of the board may
14 be reappointed. The members of the board may be removed only for
15 disability, neglect of duty, or malfeasance in office by the Board
16 of Pardons after a hearing. The Board of Pardons shall promptly
17 file in the office of the Secretary of State a complete statement
18 of the charges, its findings and disposition, and a complete record
19 of the proceedings.

20 Sec. 2. Section 83-1,111, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 83-1,111. (1) Every committed offender shall be
23 interviewed and have his or her record reviewed by two or more
24 members of the Board of Parole or a person designated by the board
25 within sixty days before the expiration of his or her minimum term
26 less any reductions. If, in the opinion of the ~~reviewers board~~,
27 the review indicates the offender is reasonably likely to be
28 granted parole, the Board of Parole shall schedule a public hearing

1 before a majority of its members. At such hearing the offender may
2 present evidence, call witnesses, and be represented by counsel.
3 If, in the opinion of the ~~reviewers~~, the review board, the parole
4 hearing indicates the offender should be denied parole, the
5 offender may request ~~an additional review~~ a reconsideration of the
6 denial by a majority of the members of the board. ~~A review by the~~
7 ~~majority of the members of the board may be conducted not more than~~
8 ~~once annually.~~ Any hearing ~~and review~~ or reconsideration shall be
9 conducted in an informal manner, but a complete record of the
10 proceedings shall be made and preserved.

11 (2) The board shall render its decision regarding the
12 committed offender's release on parole within a reasonable time
13 after the hearing or ~~review~~ reconsideration. The decision shall be
14 by majority vote of the board. The decision shall be based on the
15 entire record before the board, which shall include the opinion of
16 the person or persons who conducted the review. If the board ~~shall~~
17 ~~deny~~ denies parole, written notification listing the reasons for
18 such denial and the recommendations for correcting deficiencies
19 which cause the denial shall be given to the committed offender
20 within thirty days following the hearing.

21 (3) If the board fixes the release date, such date shall
22 be not more than six months from the date of the committed
23 offender's parole hearing, or from the date of last reconsideration
24 of his or her case, unless there are special reasons for fixing a
25 later release date.

26 (4) If the board defers the ~~case~~ parole hearing for later
27 reconsideration, the committed offender shall be afforded a parole
28 hearing at least once a year until a release date is fixed. The

1 board may order a reconsideration or a rehearing of the case at any
2 time.

3 (5) The release of a committed offender on parole shall
4 not be upon the application of the offender, but by the initiative
5 of the Board of Parole. No application for release on parole made
6 by a committed offender or on his or her behalf shall be
7 entertained by the board. Nothing ~~herein shall prohibit~~ in this
8 section prohibits the Director of Correctional Services from
9 recommending to the board that it consider an individual offender
10 for release on parole.

11 Sec. 3. Original sections 83-190 and 83-1,111, Reissue
12 Revised Statutes of Nebraska, are repealed.